

**ANNUAL REPORT
OF THE
CENSUS DATA ADVISORY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November, 1998

INDIANA LEGISLATIVE COUNCIL

1998

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CENSUS DATE ADVISORY COMMITTEE

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Staff

Robert Rudolph
Attorney for the Commission

Beverly Holloway
Fiscal Analyst for the Commission

I. STATUTORY DIRECTIVE

The responsibilities of the Census Data Advisory are found in IC 2-5-19-19 ("Section 19") which reads as follows:

"Sec. 19. The committee shall do the following:

- (1) Advise and assist the Bureau of the Census in the preparation and organization of decennial census data for use by the general assembly in reapportioning the following:
 - (A) The house of representatives of the general assembly.
 - (B) The senate of the general assembly.
 - (C) The United States House of Representatives.
- (2) Work with the Bureau of the Census in defining the boundaries of census blocks in Indiana.
- (3) Coordinate Indiana's efforts to obtain an accurate population count in each decennial census.
- (4) Work with other state and federal agencies to assist in the local review program conducted in Indiana.
- (5) Work with the code revision commission to prepare legislation for introduction in the regular session of the general assembly that meets during the year of the effective date of the decennial census under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.
- (6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.
- (7) Make recommendations concerning changes or amendments to IC 3 (the elections code) to the general assembly."

II. INTRODUCTION

During the 1998 Interim, the Committee's work had the following three major areas of focus:

- (1) Monitoring the progress of work relating to the Block Boundary Suggestion Program (the "BBSP").¹ This activity relates specifically to the Committee's responsibilities under

1. The BBSP is the process by which the State is able to recommend to the Census Bureau geographic features to be used as the boundaries of the fundamental geographic areas the

Sec. 19(2).

(2) Hearing information about the Census Bureau's plans for the 2000 Census and discussing what the State can do to assure an accurate count of Indiana's population. This activity relates to the Committee's responsibilities under Sec. 19(3) and (4).

(3) Hearing and adopting various recommendations for changes in Indiana's Election Law (IC 3). This activity relates to the Committee's responsibilities under Sec. 19(7).

III. SUMMARY OF WORK PROGRAM

The Committee held meetings on the following four dates: August 13, September 22, October 6, and October 20. During the first three meetings, the Committee spent a varying amount of time considering each of the three major areas of focus outlined above. The October 20 meeting was spent primarily considering and adopting this final report and otherwise concluding its business for the interim.

IV. SUMMARY OF TESTIMONY

The testimony heard by the Committee can be summarized under the three major areas of focus as indicated below.

A. Block Boundary Suggestion Program

The Committee heard testimony during its August 13 and September 22 meetings from the Co-Managers of the BBSP who are employees of the Legislative Services Agency. During the first meeting, the Co-Managers reviewed for the Committee the general purposes of the BBSP, the activity that had been completed to date, and the ongoing activity, which is the "verification phase" of the BBSP.² During the September 22 meeting, the Co-Managers described the verification process through use of map examples.³

Census Bureau uses to collect and report census data.

2. Under the verification phase, the State has the opportunity to review the Census Bureau's decisions regarding the State's initial suggestions submitted to the Bureau. During the verification phase, the State has an opportunity to correct errors and submit additional information to support inclusion of certain features as block boundaries that the Bureau may have initially rejected.

3. While the Committee did not hear testimony on this point, Committee members have been informed by staff that the verification phase had been completed for Indiana before the Census

Bureau's September 30 deadline.

B. Census 2000 Information

During the September 22 meeting the Committee heard and received information relating to the work being done and other efforts that can be implemented to assure that during the 2000 Census Indiana's population count is as complete as possible.

The Committee received testimony that described the economic results to Indiana (including the effect upon receipt of federal funds) attributable to undercounting its residents. The Committee also received testimony that suggested, based on the best data and assumptions currently available, Indiana will come close to losing a congressional seat if the 2000 Census is conducted as an actual enumeration and very likely be assigned only nine congressional seats if the 2000 Census is conducted using sampling methodology.⁴

The Committee heard a presentation by Dr. Morton Marcus, Director of the Indiana Business Research Center, describing a program to coordinate efforts to make certain Indiana's population is accurately counted.⁵ Dr. Marcus also submitted a budget to fund the program.

The Committee heard a presentation from representatives of the Congressional Members of the Census Monitoring Board⁶ relating to current developments on the 2000 Census, particularly on issues arising from the sampling controversy. The Committee was told that current plans for conducting the 2000 Census do not include a local review process such as occurred after the 1990 Census. The representatives of the Congressional Members stressed the importance of the Census Bureau's "Master Address File" as one of the basic elements of conducting an accurate Census. Both the representatives of the Congressional Members and Dr. Marcus reported that many Indiana political subdivisions apparently have not taken the opportunity provided by the Census Bureau to assist the Bureau in making the Master Address

4. The data and assumptions suggest that if the 2000 Census is an "actual enumeration", Indiana's tenth congressional seat has a priority assignment of 431. If the 2000 Census is taken using sampling techniques currently being considered, Indiana's tenth seat has a priority assignment of 436. The last congressional seat assigned to any state has a priority assignment of 435.

5. Dr. Marcus described a program known as "ICAUSE" - "Indiana Census Awareness & Use Statewide Effort".

6. The Census Monitoring Board was created in 1997 "to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census." The Board consists of eight members, four appointed by Congress and four by the President of the United States. The four appointed by Congress are known as the "Congressional Members".

File accurate. And both the representatives of the Congressional members and Dr. Marcus emphasized that Indiana cannot afford to let such an opportunity pass. The representatives of the Congressional members urged state and local officials to provide comments and suggestions to the Census Monitoring Board.

C. Legislative Proposals

The Committee heard testimony regarding legislative proposals primarily from staff of the Indiana Election Division ("IED"). The testimony and discussion between the Committee and the IED staff produced six drafts with the following content:

(1) The first proposal began where the 1998 Session of the General Assembly concluded. Conference committee reports were circulated for Engrossed House Bill 1174 at the end of the 1998 session, but all issues were not resolved by the end of the Session. The draft presented to the Committee reflected one of those conference committee reports. The draft included amendments to definitions in Indiana election law, provisions relating to establishment of precincts within a university campus, procedures for breaking tie votes in Tippecanoe County school board elections, expansion of the legislative bodies of certain towns, placement of candidates on the ballot, changes to voter registration forms and procedures, changes relating to absentee voting, modification of the statute relating to campaign materials' disclaimers, allowing county registration board members certain lodging allowances, and changing the structure of the combined county election board and board of registration in Lake County. The provisions relating to the Lake County combined board were deleted from subsequent drafts.

(2) The IED staff presented a proposal relating to filing campaign finance reports. The draft proposed changes to clarify filing of reports by candidates other than major party candidates and filing of reports by fax and other electronic means. The draft contained an amendment to the statute requiring the filing reports of "large contributions" to correct a technical error and to make other changes for such reports. This amendment did not change the requirement that all candidates are required to file a large contribution report, even if a candidate has not received "large contributions". The draft also proposed an alternative to change the method of filing the large contribution report so that reports would not be required of candidates who receive no large contributions. The alternative proposed to make filing large contribution reports more similar to the federal practice by requiring the filing of a report only if a large contribution is received but within 48 hours of receipt of the contribution.

(3) The IED staff reported about several efforts to make voter registration records more accurate. Testimony to the Committee suggested that the "Duplicate Registration Elimination Program" has been useful in some counties but not in others. The consensus among election

officials is that the National Change of Address program has been unsuccessful. The IED staff presented a proposal for a "voter outreach" program that would provide an informational mailing to each Indiana registered voter at least every general election year. The mailing would not require a response from a voter, but election officials would obtain information for voter registration purposes from mailings returned to the IED as "undeliverable". The Committee considered a bill draft that would enable the IED to implement such a program (including an appropriation for a yet unspecified amount) and made other technical changes relating to voter list maintenance programs.

(4) The Committee considered an IED draft that would require a voter's registration information to include the last four digits of the voter's Social Security Number. The last four digits of the Social Security Number would not be obtained from voters already registered, only as voters are newly registered or transfer their registrations. The proposal would assist election officials in eliminating duplicate registrations and otherwise cross check registrations because the probability of two voters having a similar name, sharing a birthdate, and having the same last four digits of their Social Security Numbers would be extremely low. The requirement would not violate federal law restricting use of Social Security Numbers and has been recommended by an advisory report to the Federal Election Commission.

(5) The IED staff reminded the Committee that beginning January 1, 1999, Indiana law will require campaign finance expenditures to be categorized using "expenditure codes". The IED staff sought guidance regarding how elaborate such a coding system should be. The Committee considered a draft requiring that there be not more than ten such codes and providing the IED additional time to implement such a system.

(6) The IED informed the Committee that current law relating to electronic voting systems contains some requirements that do not make sense for optical scan ballot card voting systems. The IED staff presented a draft that would provide that statutes relating to ballot card stubs do not apply to optical scan ballot card voting systems. The IED staff told the Committee that additional amendments may be necessary for such systems.

The Committee heard testimony from a representative of the League of Women Voters about a proposal to require county commissioner districts to have equal population. The Committee also heard testimony from a representative of the news media relating to public access to election materials. However, the Committee did not consider any bill drafts on these proposals.

V. COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations:

A. Legislation

The Committee considered six bill drafts at its October 6 meeting. The following Committee members were present at that meeting: Representative Thomas Kromkowski, Chair; Representative Robert Behning; Representative Kathy Richardson; Senator Becky Skillman; Senator Allie Craycraft. Those Committee members present voted unanimously to recommend the following bill drafts to the General Assembly:⁷

(1) PD 3345 The draft containing several different elections provisions was first amended by the Committee to make technical changes and then adopted by the Committee.⁸

(2) PD 3293 This draft contained the proposals relating to campaign finance reports. Before adopting this draft, the Committee deleted the amendment to the existing large contribution report statute and endorsed the alternative based on the federal model and which would repeal the existing statute.⁹

(3) PD 3385 This draft contained the voter registration provisions, including the voter outreach program and the blank appropriation for this program. The Committee adopted the draft after making a technical amendment.¹⁰

7. The Committee consists of eight members and five members were present at the October 6 meeting. Because each member present voted to recommend each draft, the requirements of Legislative Council Resolution 98-1, SECTION 9 were met with respect to each draft.

8. The content of PD 3345 is described more generally under IV.C.(1) above. The Committee made two minor technical amendments at its October 20 meeting which were unanimously approved. A draft reflecting the all amendments and indicating Committee approval has been embodied in PD 3495.

9. The content of PD 3293 is described more generally under IV.C.(2) above. A draft reflecting the final amendments and indicating Committee approval has been embodied in PD 3451.

10. The content of PD 3385 is described more generally under IV.C.(3) above. A draft reflecting the final amendments and indicating Committee approval has been embodied in PD 3452.

(4) PD 3383 The Committee adopted this draft relating to voter identification as presented.¹¹

(5) PD 3384 The Committee adopted this draft relating to campaign finance expenditure codes as presented.¹²

(6) PD 3386 The Committee adopted this draft relating to optical scan ballot card voting systems as presented.¹³

B. The 2000 Census

(1) The Committee recommends that the General Assembly should support the program proposed by Dr. Marcus and provide the funding to implement the program.

(2) The Committee recommends that the General Assembly, each member of the General Assembly, and all other Indiana government officials cooperate with, and participate in, efforts to assure a "complete count" of all Indiana residents during the 2000 Census. The Committee particularly urges local government officials to cooperate with efforts to make the "Master Address File" for Indiana complete and accurate.

VI. APPROVAL

This Annual Report was unanimously approved by the Committee at its October 20 meeting, a quorum being present.

11. The content of PD 3383 is described more generally under IV.C.(4) above. A draft indicating Committee approval has been embodied in PD 3453.

12. The content of PD 3384 is described more generally under IV.C.(5) above. A draft indicating Committee approval has been embodied in PD 3454.

13. The content of PD 3384 is described more generally under IV.C.(6) above. A draft indicating Committee approval has been embodied in PD 3455.

WITNESS LIST

Fred Asbell, Executive Director - Congressional Members, Census Monitoring Board

Maureen Bard, Co-Manager, BBSP Project, Legislative Services Agency

Laurie Christie, Co-Director, Indiana Election Division

Charlie Jones, Staff, Congressional Members, Census Monitoring Board

Steve Key, Hoosier State Press Association

J. Bradley King, Co-General Counsel, Indiana Election Division

Dr. Morton Marcus, Director, Indiana Business Research Center

Emmy Peebles, League of Women Voters

Kristi Robertson, Co-General Counsel, Indiana Election Division

Carol Rogers, Indiana University School of Business

Mark Stratton, Co-Manager, BBSP Project, Legislative Services Agency

Julia Vaughn, Common Cause of Indiana and the Citizens Action Coalition